

159-107

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MEMBER OF NEW YORK BAR ONLY

December 23, 1994

**VIA TELEFAX AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Carol Graszer Ropski  
Emergency Support Section  
U.S.E.P.A. (HSE-5J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604

WRITER'S DIRECT LINE:

201-966-

RE: Sauget Area 2, Site Q, Sauget, Illinois (the "Site")

Dear Ms. Graszer Ropski:

I am in receipt of your letter dated December 16, 1994, in the above-referenced matter, which included a General Notice of Potential Liability ("General Notice") and a Request for Information under Section 104(e) of CERCLA, 42 U.S.C. §9604(e) ("104(e) Request"). The EPA alleges in the General Notice that BASF Corporation ("BASF") is potentially liable for remediation of Sauget Area 2, Site Q because Inmont Corporation "may have owned or operated or generated or transported hazardous substances that were disposed of at the Site."

Based on the alleged emergency conditions existing at the Site, the EPA has demanded that BASF respond to its request to perform or finance the response actions proposed by the Agency within seven (7) days of its receipt of the Notice. In addition, the EPA has requested that BASF fully respond to its 104(e) Request within twenty-one (21) calendar days of receipt of the letter. Please accept this letter as BASF's response to the EPA's requests.

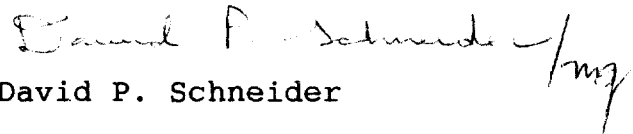
Because of a lack of information about the Site or BASF's alleged connection thereto, BASF does not have a sufficient basis upon which to evaluate EPA's demand to perform or finance the response activities at this time, or to fully respond to the EPA's

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104(e) Request. BASF is presently performing an internal investigation of the allegations set forth in the General Notice. At this time, BASF estimates that it will need approximately thirty (30) days, starting on the date of expiration of the twenty-one (21) day period, to complete its investigation and respond to both of the EPA's requests. I will keep you apprised of any significant developments. In the interim I will anticipate receipt of the documents in EPA's possession which allegedly connect BASF to this site.

If you have any questions, please do not hesitate to call me.

Very truly yours,

/mg  
David P. Schneider

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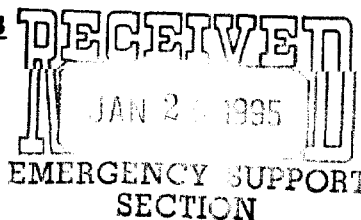
WRITER'S DIRECT LINE:

201-965-

January 19, 1995

**VIA TELEFAX AND FEDERAL EXPRESS**

Ms. Carol Graszer Ropski  
Emergency Support Section  
U.S.E.P.A. (HSE-5J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604



**RE: Sauget Area 2, Site Q (former Sauget & Co. Landfill)  
General Notice  
Section 104(e) Request for Information**

Dear Ms. Graszer Ropski:

Please consider this letter as BASF Corporation's ("BASF") formal response to the General Notice and Request for Information previously forwarded by EPA relating to the above site. The General Notice alleges that Inmont Corporation disposed of hazardous substances at Area 2, Site Q of the former Sauget & Company Landfill ("Landfill"). According to information provided by you, landfilling activities were conducted at the Landfill from approximately 1970 to 1975.

In December of 1985, Inmont, a wholly owned subsidiary of United Technologies Corporation, was purchased by BASF America Corporation. Inmont Corporation was merged with several other BASF entities and the surviving corporation became known as BASF Corporation. Since receipt of the General Notice and Request for Information, BASF has been conducting an internal investigation as to its alleged involvement at the Landfill. This investigation has been hindered by the passage of time since the Landfill operated

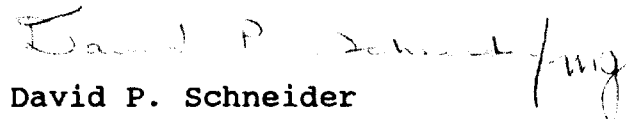
BRESSLER, AMERY & ROSS

Ms. Carol Graszer Ropski  
January 19, 1995  
Page 2

and a lack of nexus documentation.<sup>1</sup> To date, BASF's internal investigation has produced no evidence of any connection between Inmont and the Sauget Landfill. However, that investigation is continuing. To the extent relevant information is obtained, it will be promptly forwarded to your attention.

Based upon the currently available evidence, BASF must decline to undertake the response activities requested. BASF reserves the right to change its position as new evidence may be discovered. If you have any questions regarding BASF's position, please contact me.

Very truly yours,

  
David P. Schneider

DPS/kmh

49726.1<sup>1</sup>

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<sup>1</sup> You have provided the uncorroborated affidavit of Mr. Bernard Grewe, a former driver for Disposal Services Company ("Disposal"). While the affidavit alleges that waste from Inmont was sent to the Landfill, it fails to identify the Inmont facility involved or when the waste was allegedly disposed of. Furthermore, other than the general description of the waste as a rubbery type glue, there is no specification of the type or quantity of waste which allegedly originated from Inmont. We are awaiting EPA's formal response to BASF's FOIA request for nexus documentation.